Supreme Court, U.S.
FILED

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No.

In The

Supreme Court of the United States

October Term 1995

TERRENCE M. SPEARS,

Petitioner,

v.

STATE BAR OF ILLINOIS,

Respondents.

On Petition For A Writ of Certiorari To The
Supreme Court of The State of Illinois.

PETITION FOR WRIT OF CERTIORARI

Terrence M. Spears, *Pro se*
10319 E. County X Highway
Clinton, WI 53525
(608) 676-5317

72 pp

Questions Presented For Review

I. Whether an Attorney is entitled to First Amendment protection and a jury trial for statements made in writing in court documents which criticize a court.

II. Whether or not statements made leading to Petitioner's disbarment were helpful to the administration of justice and helpful to the public rather than harmful to public.

III. Whether or not Administrator is barred from bringing discipline charges against Attorney where Administrator and Attorney shared a common client, and discipline charges were brought against third-party-attorney by common client and Attorney's charges of "murder and cover-up" of infant by court, third-party-attorney and others are subject of discipline proceedings against Petitioner.

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Jurisdictional Statement

Petitioner appeals pursuant to the Common Law and this Court's inherent powers to exercise jurisdiction under the United States Constitution to the ends of justice. The jurisdiction of this Court to review the judgment order of the Illinois Supreme Court is invoked under 28 U.S.C. Section 1254(1).

According to the 9th Circuit, "It is well settled that U.S. District Courts lack subject matter jurisdiction to control or review final orders entered in state attorney disciplinary proceedings, and that a petition for writ of certiorari to the Supreme Court of the United States is the only method by which review may be had. *Silverton v. Department of the Treasury of the United States*, 640 F.2d 214, 220 citing, *Theard v. United States*, 354 U.S. 278 (1957).

Petitioner appeals an order entered in Case No. M.R. 11663, Commission No. 94 CH 579, *In the matter of Terrence Michael Spears*, the Honorable Justices, Michael A. Bilandic, Chief Justice, Benjamin K. Miller, Charles E. Freeman, Mary Ann G. McMorrow, James D. Heiple, Moses W. Harrison II, and John L. Nickels, presiding for the Illinois Supreme Court, dated December 1, 1995, a copy of which is included in Appendix A.

Petitioner is unable to receive relief in any form or from any other court because he has already heard from the highest authority in the state of Illinois. There is no higher earthly authority to which Petitioner may appeal his cause.

Constitutional and Statutory Provisions Involved

AMENDMENT I [1791] to the U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of greivances.

AMENDMENT VII [1791] to the U.S. Constitution

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT XIV [1868] to the U. S. Constitution

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Constitutional and Statutory Provisions Involved

ARTICLE I. SECTION 2 of the Illinois Constitution

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

28 U.S.C. Section 1254(1)
Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

ARTICLE VIII. Illinois Rules of Professional Conduct
Rule 1.11 Successive Govt. and Private Employment
(c) Except as otherwise permitted by law, a lawyer serving as a public officer or employee shall not:
(1) participate in a matter in which the lawyer participated personally and substantially while in private practice or non-governmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; ...
(d) As used in Rule 1.11, the term "matter" denotes:
(1) any judicial proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, offset, or other particular matter involving a specific party or parties; ...

Statement of the Case

Pro se petitioner appeals an order of the Illinois Supreme Court approving and confirming a report and recommendation of the Administrator of the Attorney Registration and Disciplinary Commission (ARDC) of Illinois to disbar Attorney Terrence M. Spears, a resident of the State of Wisconsin.

Attorney Spears was originally contacted by the ARDC in regards to an article printed in the Belvidere Daily Republican of a contempt finding against petitioner on August 13, 1991, nos. 91-CI-1708 and 91-CI-3036. Petitioner responded that he did not contribute to, write or consent to any article and the matters were never pursued by ARDC.[1]

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1. Petitioner was held in contempt of court and sentenced for 6 months in jail for objecting to a psychiatric exam being ordered for a client while a motion to recuse was pending before the judge. Unelected judges outside the circuit were brought in and clients were being threatened and ordered to undergo drug-therapy at psychiatric hospitals in which judges owned stock. Months later, the judge had to be physically removed from the bench by a deputy while intoxicated on the bench. *See People v. Kaeding*, 88 CM 79 (Boone County Ill.) *See also, People v. Bombliss*, 89 CF 31 (Lee County, Ill.) Petitioner spent 9 days in jail and paid a $500 fine. Petitioner later apologized to the judge by letter. The Illinois Appellate Court later changed 100 years of contempt jurisprudence to find that filing a contemptuous document is a sub-category of direct contempt.

Several years later, in August of 1994, Petitioner received a "complaint" from ARDC Administrator Mary Robinson along with an Order, granting ARDC the relief requested in the complaint, i.e., that a hearing panel be assigned by ARDC. The complaint alleged the contempt matter, as well as other allegations under a new number, 94 CH 579. All allegations were ARDC initiated for court filed documents and no charges were related to client complaints.

In response to ARDC complaint, Petitioner filed a "counter-complaint" denied by Hearing officer because "only the Administrator may bring a complaint." Petitioner also objected that Mary Robinson of DuPage County was bringing an investigation against petitioner, because years prior, Robinson represented a common client, Mrs. Judith Wolff against then attorney, Bonnie Wheaton of DuPage in the *Wolff v Faris*[2] litigation, subject of Illinois disciplinary investigation file No. 90-CI-00498.

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2. In *Wolff v. Faris*, No. 88 C 10765 (N.D.Ill. E.D.), it is alleged that now Judge Wheaton was involved in a child custody "case-fix" of the infant Samantha Croson, Judith Wolff's grand-daughter. Court records reveal an incomplete autopsy, improper coroner's hearing and a non-investigation by DuPage State's Attorney Jim Ryan in the case. Just after denying a motion to exhume the baby's body, Federal Judge William T. Hart, (of DuPage County) ruled: "Even if there was sufficient evidence of the cover-up of a murder of Samantha, there is no evidence to link such a murder or cover-up *to harm* to Wolff or Christianne." (Order, May 17, 1990) (*emphasis added*) Charges for Judge Hart's impeachment brought to then 7th Circuit Chief Judge Bauer of DuPage were fruitless.

Count I of ARDC complaint involved court filed documents in an I.R.S. "show trial" of Dr. James Dunkel, a dentist ("tax protester") from Rockford, Illinois who, having been before this Court several times on appeal, was tried with the same illegal procedures as before and ultimately convicted.[3]

Count II of ARDC's complaint involves court filed documents in *Dunkel* and specifically refers to the *Wolff* litigation described in note 2 herein in which Mary Robinson has a conflict of interest with Petitioner.[4] Count III also involved a tax protestor.[5]

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3. In *Dunkel*, Judge Leinenweber refused to recuse himself concerning a hearing on a subpeona for his wife to testify, (then U. S. Secretary of Labor, Lynn Martin from Rockford, Illinois.) Lynn Martin had attended several meetings of James Dunkel and could testify as to the sincerity of the Dr.'s claims. If Judge Ito had decided to hear motions concerning his wife, the public would not have stood for it. Unfortunately, most judges of the 7th Circuit do not understand or respect the concept of conflict of interest and neither does the ARDC. Count I also referred to a Habeas Corpus sent to a number of federal judges throughout the United States, also, in effect, a court filed document.

4. Count II also referred to a letter sent to the clerk of the United States District Court, H. Stuart Cunningham, a court filed document directed to the clerk, addressing the clerk's treatment of documents filed which in effect defeated Dunkel's motion to remain free while on appeal. 5. In *Pfluger v. Commissioner of Internal Revenue*, 91-2700, the 7th Circuit took offense to implying that clerks were making decisions for the court and that letters to the clerk from Justice made clear the government thought so. The 7th Circuit removed petitioner from its roles destroying his federal tax practice and sent letters to ARDC seeking Petitioner's disbarment.

In *Pfluger*, Petitioner represented another tax protester who argued that "levelling" of society, i.e., taking from one segment of society and giving to another is forbidden under the Constitution, and therefore, the income tax, welfare payments and other New World Order programs were unlawful.

In Count IV, ARDC alleged that Petitioner, standing in for James Vassilos, another now-disbarred Christian attorney, in a DuPage County case, *St. Paul Savings and Loan of Chicago v. Joseph Andrucetti*, 83-CH-762, made statements known to be false (in court filed documents) with respect to the death of Wallace Leiberman, a purchaser of bankruptcy property in Chicago.[6] Count V referred to the contempt discussed in note 1.

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6. In *Andrucetti*, Petitioner appeared on behalf of Attorney James Vassilos of Chicago for Mr. Andrucetti. Vassilos was disbarred for "false" claims of corruption as well. Vassilos was threatened with arrest in DuPage county and disbarred for allegedly looting an escrow account his divorce judge had already seized. ARDC claimed that he should have known the court was going to take the money for the court-appointed lawyer and should have taken steps to protect his client's funds. In the *Vassilos* divorce, a court appointed psychiatrist testified that Vassilos was paranoid for believing that there was corruption in Chicago divorce courts (convicted Judge Shields sat on the *Vassilos* case) and dangerous because he believed in the Bible and wanted to raise his children by it, thus, because of these two factors, he should never see his children again. In *Palmisano*, Attorney Palmisano referred to a number of judges as "crooks" and "fixers" and accused them of filling "the pockets of those favored by the court." ARDC claims by mere fiat that the allegations are "baseless" without ever giving the claimant any real opportunity to prove his case by an impartial court and a jury of his peers. *In re the Matter of Michael Palmisano*, No. 94-3809 (7th Cir. 1995).

Petitioner has been disbarred not because of the truth or untruth of the statements which he has set forth in court documents, but because telling certain statements will cause tarnish to the "image of the legal profession" even if true. This Court must decide whether upholding the reputation and image of the legal profession, even if false and untrue, is more important or helpful to the public than exposing corruption and crime when it occurs. ARDC, led by biased Robinson, is attempting to punish Spears for standing for the truth, for merely exercising the rights and procedures which he has been taught to use and uphold. Why should petitioner be punished or shunned for merely bringing a "counter-claim" to ARDC's "complaint"? Why should the fact that Petitioner asserts the proposition that the Administrator is violating the ARDC's own conflict of interest rules be viewed by ARDC as an "unwillingness or inability to alter conduct to conform to the guidelines governing the conduct of attorneys? Does Petitioner need to participate in further administrative hearings inherently flawed and designed to dwindle precious resources already diminished by adverse press and process alone? Why should an attorney be held to a higher standard under the first amendment for court documents filed where the legal system of the State of Illinois hides itself from public view behind courtroom doors where tape recorders and cameras are seldom permitted? Petitioner has not

made statements to the *press* about alleged court improprieties. Isn't the public entitled to know what is really going on?, to access and weigh court records on their own merit? or are the restrictions against caustic comments by bar members about the bench designed to "keep the public in ignorance?"

The right to engage in employment, or pursue a profession in a manner with the public interest for truth upheld, is a common right, which under our Constitution can neither be prohibited or hampered by association or license.

A rule which prohibits conduct that allegedly impugns the integrity of the court is too broad where it purports to punish a great deal of constitutionally protected speech, including all true statements reflecting adversely on the reputation or character of certain judges. Statements impugning the integrity of a judge may not be punished unless they are capable of being proven true or false; statements of opinion are protected by the First Amendment unless they imply a false assertion of fact.

Therefore, for the reasons stated herein, Petitioner respectfully requests an Order of this Court requiring reinstatement by the State Bar of Illinois to Petitioner, entitling Petitioner to practice law in the State of Illinois until further Order of this Court and an Order voiding the process of disbarment from the initial investigation through final order of approval and confirmation based upon principles of conflict of interest.

Reasons For Granting The Writ

This Writ should be heard and granted in order to settle a conflict of decisions between the 9th U. S. Circuit Court of Appeals, the 7th U.S. Circuit Court of Appeals and the Supreme Court of the State of Illinois.

The Illinois Supreme Court has issued an Order disbarring Petitioner from the practice of law in the State of Illinois on the basis of statements made in court filed documents which allegedly "bring the court and legal profession into disrepute," ... "conduct that is prejudicial to the administration of justice."

In *Standing Committee v. Yagman*, 55 F.3d 1430 (9th Cir. 1995), Justice Kozinski of the 9th Circuit quoted this Court from *Bridges v. California*, 314 U.S. 252 (1941), in which Justice Hugo Black declared:

> "The assumption that respect for the judiciary can be won by shielding judges from published criticism wrongly appraises the character of American public opinion. For it is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions. And an enforced silence, however limited, solely in the name of preserving the dignity of the bench, would probably engender resentment, suspicion, and contempt much more than it would respect."

In *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991), this Court held that "speech otherwise entitled to full constitutional protection may nonetheless be sanctioned if it obstructs or prejudices the administration of justice." In *Gentile*, however, this Court considered "out-of-court" statements, and in considering *Gentile*, the 9th Circuit ruled that "lawyers statements unrelated to a matter pending before the court may be sanctioned only if they pose a clear and present danger to the administration of justice." *Yagman, supra.* In *Yagman*, the lawyer wrote to Prentice-Hall, publisher of the Almanac of the Federal Judiciary about one Judge Keller:

> "It is outrageous that the judge wants his profile redone because he thinks it to be inaccurately harsh in portraying him in a poor light. It is an understatement to characterize the judge as 'the worst judge in the Central District.' It would be fairer to say that he is ignorant, dishonest, ill-tempered, and a bully, and probably is one of the worst judges in the United States. If television cameras were ever permitted in his courtroom, the other federal judges in the country would be so embarassed by this buffoon that they would run for cover. One might believe that some of the reason for this substandard human being is the recent acrimonious divorce through which he recently went, but talking to attorneys who knew him years ago indicates that, if anything, he has mellowed. One other comment ... the judge is a right wing fanatic."

This evaluation did not remain anonymous. The comments in Yagman's "evaluation" were, according to Judge Kozinski, "statements of rhetorical hyperbole, incapable of being proven true or false. He said the allegation of dishonesty therefore, was constitutionally immune from sanctions. *Standing Committee v. Yagman*, 55 F.3d 1430 (9th Cir. 1995).

The 7th Circuit and the Illinois Supreme Court however, are far less understanding of the heat of representation, the breadth of the First Amendment, and seemingly more sensitive to criticisms directed to the bench and bar. The 7th Circuit, ruled *In the Matter of Michael Palmisano*, No. 94-3809 (7th Cir. 1995) that "Courts may require attorneys to speak with greater care and civility than is the norm in political campaigns; therefore, an attorney's claim of First Amendment protection for accusations against judges cannot defeat an order requiring his disbarment. In *Palmisano*, the ARDC alleged that Palmisano called specific individual judges "crooks" or "fixers" and accused them of filling "the pockets of those favored by the court." A number of other attorneys have been accused by ARDC of filing "frivolous, baseless, groundless and meritless" accusations against members of the bench and bar. *See In re Mason*, 33 Ill.2d 53 (1965) *In re Sarelas*, 50 Ill.2d 87 (1971), *In re Jafree*, 93 Ill.2d 450 (1982), *In re Vassilos*, M.R. 9444 (1993), *In re Palmisano*, Comm. No. 92 CH 109, (ARDC Ill. 1994). How can all these attorneys be in error?

A conflict of decisions of the highest state court and a federal court of appeals is grounds for granting review. *Katzinger v. Chicago Metallic Mfg. Co.*, 329 U.S. 394 (1947) *MacGregor v. Westinghouse Co.*, 329 U.S. 402 (1947). Certiorari has also been granted to determine whether the state court has properly interpreted, applied, or extended a prior Supreme court decision in a given situation. *Bullington v. Missouri*, 451 U.S. 430, 432 (1981). *See also, Arizona v. Manypenny*, 451 U.S. 232 (1981) (State court decision touching state and federal interests under the Constitution).

Petitioner cannot be punished by any court, by tax penalty or otherwise, for the mere assertion of the constitutional rights which are his to freely exercise, as to punish a person because he has done what the law plainly allows him to do is a process violation of the most basic sort. *North Carolina v. Pearce*, 395 U.S. 711 (1969), U.S. Const. Amend. 1. If Petitioner were to comment that it is corrupt for Chief Judge Aspen of the 7th Circuit to rule in *Shakman* cases as an ex-City of Chicago corporation counsel where he has been ordered to refrain from ruling, should Petitioner be disbarred? *Lucille v. City of Chicago*, 31 F.3d 546 (7th Cir. 1994), *cert. denied*, 115 S.Ct. 1109 (1995). *Coclanes v. Sagun et al.*, 95 C 2269 (N.D.Ill.E.D. 1995).

The circumstances of this case do not constitute a "clear and present danger to the administration of justice" and the actions by the ARDC and the Supreme Court of

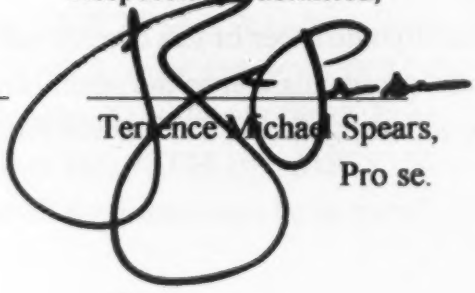
Illinois violate Petitioner's rights to free speech guaranteed under the First and Fourteenth Amendments. *Craig v. Harney, Sheriff*, 331 U.S. 367 (1947). A state cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment. *Schware v. Board of Examiners*, 353 U.S. 232 (1957).

A defendant (respondent) has the right to demand a jury trial in an action by the government seeking civil penalties for violation of a statute. *Tull v. United States*, 107 S.Ct. 1831 (1987) U.S. Const. Amend. 7. App. at 23.

CONCLUSION

For the reasons stated herein, and in the interest of truth and justice, Petitioner respectfully requests that this Court order the State Bar of Illinois to return Petitioner's license to practice law until further order of this Court. God is, in the name of Jesus. God Save This Honorable Court.

Respectfully submitted,



Date

Terrence Michael Spears,
Pro se.

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the matter of:)
TERRENCE MICHAEL SPEARS,) Commission
Attorney-Respondent) No.94CH579
No. 6191453.)

COMPLAINT

Mary Robinson, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Albert S. Krawczyk, complains of Respondent, Terrence Michael Spears, who was licensed to practice law in the State of Illinois on November 7, 1985, and alleges that Respondent has engaged in the following conduct which tends to defeat the administration of justice and to bring the court and legal profession into disrepute.

COUNT I

1. On April 13, 1988, a five-count count criminal indictment was filed against James C. Dunkel, (hereinafter referred to as "Dunkel") in the United States District Court for the Northern District of Illinois, Western Division entitled United States of America v. James C. Dunkel, case number 88-CR-20010, charging Dunkel with tax evasion and failure to file federal income tax returns. ...

... 11. On February 14, 1992, Respondent caused to be filed in case number 88-CR-20010, and United States District Court Judge William T. Hart denied, Dunkel's emergency motion to stay the time for Dunkel to surrender.

12. On February 14, 1992, Respondent also caused to be filed various other motions in case number 88-CR-20010, including a motion to reconsider Dunkel's sentence and demand for an out-of-Seventh-Circuit, "faraway" judge; and a motion for new trial based upon new evidence and demand for an out-of-Seventh-Circuit judge. ...

15. On March 4, 1992, Respondent caused to be sent a letter to a number of United States District Court judges, alomg with copies of a document entitled Constitutional Petition for Writ of Habeas Corpus, with the heading James C. Dunkel v. United States of America, in the United States District Court of the United States of America.

16. The letter described in paragraph fifteen above, stated in relevant part, the following:

> Upon information and belief, Judge Leinenweber is trying to cover the fact that he and his wife, Lynn Martin have received funds from the CIA's bank, B.C.C.I., and he and his wife are being blackmailed by the I.R.S.
> ...
> We are convinced that the Banker-judges of

the 7th circuit are not willing to do justice in this matter or any other matter where the I. R.S., an arm of the bankers, is involved. Therefore, we seek your help as an out-of-Seventh-Circuit judge to do something for Dunkel, whose wife and children are suffering, a father who treats orphans for free. One couple, Harry and Lynn, under the pretense of the color of law, are using their power to break the law to harm Dunkel and his family. Please stop your wayward brother.

17. The document entitled Constitutional Petition for Writ of Habeas Corpus described in paragraph fifteen above, stated in relevant part, the following:

1. That petitioner has no other reasonable alternatives to the petition for writ of habeas corpus to gain his freedom because: ...

g. Leinenweber held an unfair, kangaroo, "show trial" wherein evidence containing his wife's involvement and entrapment was not permitted to be presented to the F.B.I. screened jury in said cause; ...

l. That Dunkel, his family, his patients and friends are suffering irreparable harm at the hands of the I.R.S., prosecutors Joan Safford, upon information and belief, a control agent for the Queen of England) (sic), John McKenzie of the Justice Department, and the corrupt Leinenweber and his wife, Lynn Martin. ...

3. That Petitioner is seeking an out-of-seventh-circuit judge who will do justice and release him prior to the initiation of a barren appellate process devoid of any justice from the Banker-judges of the 7th Circuit of the United States Court of Appeals.

...

COUNT II

... 19. On May 18, 1992, Respondent caused to be filed a document entitled Supplemental Memorandum of Defendant/Appellant, along with a document entitled Notice and Demand, in case number 92-1588.

20. The Supplemental Memorandum of Defendant/Appellant described in paragraph nineteen above, stated in relevant part:

1. That this Court has ignored its own rulings to the damage and detriment of James C. Dunkel and his client in order to destroy Dunkel's dental practice and to punish Terrence M. Spears, Attorney at Law, for exposing the Satanic baby-selling coven operating in the City of Wheaton, County of DuPage, involving Judge Bonnie Wheaton, Judge William T. hart of the U.S. District Court and Judge William Bauer of this Court among others in the case Wolff v. Faris, 91-2335, pending before this Court.

2. That under sham and pretense of an appearance of caution, this Court has refused to acknowledge defendant/appellant's Motion to Reconsider filed in this Court pursuant to Rule 35 on January 27, 1992 in order to unduly and unlawfully incarcerate Dunkel for his knowledge and discussion of the crimes and corruption of this Court. ...

4. That for this Court and its clerks to maintain that appellant may have forfeited his right to appeal due to an allegation that he filed his Rule 35 Motion to Reconsider too early to toll the filing of the Notice of Appeal is a farce, is ludicrous and is unconscionable. Those involved and their families will surely reap what they have sown.

21. The document entitled Notice and Demand described in paragraph nineteen above was directed to H. Stuart Cunningham, Clerk of the United States District Court, Northern District of Illinois, and stated in relevant part:

> Upon your failure, neglect or refusal, to so correct the record to speak the truth, and to remedy this obstruction of justice, the undersigned hereby informs you, that on behalf of his client, he will bring a civil damage suit against you, and each of you individually, and /or on the blanket position bond of the Northern District of Illinois, which upon information

and belief, fails to cover from liability, the office of the clerk arranged by the administrative office of the United States courts. If that is so, then you are fully individually responsible and are not covered by a bond. In either case, upon your failure, neglect and refusal as aforesaid will file a civil damage suit in a court of competent jurisdiction, against you individually and on your blanket position bond if any.

COUNT III

1. On July 22, 1991, a tax court case was docketed in the United States Court of Appeals for the Seventh Circuit entitled Robert A. Pfluger v. Commissioner of Internal Revenue, case number 91-2700.

5. On May 15, 1992, Respondent caused to be filed a document in case number 91-2700 entitled Motion to Reconsider.

6. The Motion to Reconsider described in paragraph five above, stated in relevant part:

That to permit this court to penalize appellant for alleged taxes owed prior to the resolution of appellate review of his tax court petition based upon its own self serving authority would

negate the due process guarantees of the United States Tax Court and would result in unjust punishment upon appellant without due process of law.

7. That upon information and belief, on April 23, 1992, Gary R. Allen of the Department of Justice entered into incorrect ex parte communications with the clerk of this court concerning this cause, and directed information in the form of argument to Mr. Strubbe as if the clerk's office makes decisions concerning cases which never reach the judges' bench. See Exhibit A.

8. That upon information and belief, the clerk of the Seventh Circuit decides cases for the court without referring case papers to the court and orders are issued by the clerk without signatures because the court never reviewed the case.

9. That the Clerk of the U.S. Supreme Court has accepted for filing, appellant's petition for writ of certiorari in case no. 90-3266 on or about April 23, 1992 and has not dismissed appellant's cause therein. See Exhibit B. ...

COUNT IV

... 4. On or some time before July 1, 1992, Respondent filed his appearance as counsel for Andrucetti and others in case number 83-CH-762.

...

7. On July 1, 1992, Respondent caused to be filed a document entitled Defendant's Objections to Physical Venue and Notice of Intent to File Petition for Change of Venue for Cause Against Judge John W. Rapp, Jr. in case number 83-CH-762.

8. The document described in paragraph seven above, stated in relevant part:

3. Despite the clear provisions of the demand for a faraway judge and of the Illinois Supreme Court order, Judge Alford Penniman of the Circuit Court of Winnebago County, the 17th Judicial Circuit, upon a secret and clandestine ex parte conference between himself and Edward Lesniak, palpably attorney for Plaintiff's alter ego, First National Bank of Cicero, set a hearing date of June 3, 1992, in Rockford, without consultation with defendant's attorney, James R. Vassilos, which resulted in a conflict with the schedule of Vassilos. ...

b. Subsequently, the date of hearing was reset to June 19, in Rockford:

i. On that date, Defendants came to present a Petition for Change of Venue for Cause directed against Judge Penniman and all the other judges of the 17th Judicial Circuit, based largely on the intentional financial disaster that they conspired to perpetrate on Harvey Kirk, victimized by several local Rockford bankruptcy lawyers. ...

4. Lesniak was able to work a malign influence on judges in DuPage County and in Winnebago County, at least to the extent that he is able to obtain ex parte scheduling by telephone which maliciously and purposefully interferes with the schedule of Vassilos:

a. Upon information and belief, Lesniak's malign influence proceeds from his own personal interest in the instant case, namely, the promise of a major "bounty" (from a pool of several millions of dollars set aside by the financial institutions in the instant case to cover losses) if Lesniak covers up (via the instant case) the massive fraud and corruption involved in the instant case, including, but not limited to:

i. Bankruptcy fraud committed by Mafioso linked to recently murdered bankruptcy auctioneer Wallace Lieberman, the purchaser in bankruptcy of property for which Defendant Joseph Andruccetti was contractor;

ii. Bank fraud involving said property for which

three bank officials were prosecuted and found guilty;

iii. The treasonous laundering of funds for and on behalf of Israeli intelligence, the Mossad, by Lieberman who was murdered for threatening to expose the mossad/FBI/Mafia links in the instant case;

iv. The involvement of DuPage County Board chairman Aldo Botti in these schemes as a protector for the DuPage Mafia;

v. The sensitivity to adverse publicity by Household International, successor in interest to First National Bank of Cicero, because of its corrupt links to Mafia financing in the Chicago area;

vi. The involvement of the Vatican Bank via Archbishop Paul Marcinkus's godson, Christian Henning whose corrupt mind initiated the tangled web of the instant case.

b. Furthermore, upon information and belief, Lesniak is (sic) also faces the "stick," a severe punishment if he does not succeed in covering up the above summarized matters and others, the apparent reason for his extremely touchy personality quirks, exhibited from time to time. ...

6. Nevertheless, lesniak, again by telephone, was able to obtain a secret and clandestine ex parte arrangement for Vassilos to be obligated to run to the 16th Judicial Circuit in Kane County to appear in the instant case on July 1, 1992, again in purposeful, malicious conflict with Vassilos' schedule. ...

c. Having received on official notice from the Illinois Supreme Court of any judge from any other Circuit entering the premises to sit anywhere, Defendants strenuously object to the "wild goose chase" to which they are being subjected by Lesniak.

7. Defendants are prepared to show that Judge John W. Rapp, Jr., is a key case fixer in the northern counties of Illinois for cases in which there is a strong corrupt or political motivation to ruin one of the litigants. . ...

b. The pending entry of Judge Rapp into the premises of this case has just come to the attention of Defendants, due to Lesniak's pattern and practice of evading the necessity of notice and of conducting ex parte sessions with every single judge which has ben involved in this case; ...

8. The judges who have been in the premises of the instant case allow, permit and condone Lesniak's unlawful manner of proceeding; upon information and be-

lief, Lesniak has let it be known that significant rewards await anyone willing to help him put Defendants away permanently. ...

COUNT V

1. On April 13, 1990, a two-count criminal complaint was filed against Gary Kaeding (hereinafter referred to as "Kaeding") in the Circuit Court of the 17th Judicial Circuit, Boone County, Illinois, entitled People of the State of Illinois v. Gary Kaeding a/k/a Barrabas, case number 90-CM-230, charging Kaeding with indirect criminal contempt alleging that Kaeding filed two suits in federal court against Judge Robert Coplan and alleging that Kaeding served subpeonas on Judge Coplan and his father, so as to embarass, hinder, or obstruct Judge Coplan in his court's administration of justice.

2. On October 1, 1990, Respondent filed his appearance as counsel for Kaeding in case number 90-CM-230.

3. On April 5, 1991, Respondent appeared before Judge John L. Moore in case number 90-CM-230 and orally moved that Judge Moore recuse himself. Judge Moore allowed Respondent five days to file a motion for substitution of judge for cause.

4. On April 5, 1991, during the course of the proceedings in case number 90-CM-230, the following exchange took place between Judge Moore, Respondent and Assistant State's Attorney Andy Scharf:

THE COURT: Also I am going to sua sponte enter an order ordering Mr. Kaeding to be examined by a psychiatrist of the choice of the Court, because I do not know whether he is competent to stand trial.

MR. SPEARS: You cannot rule since there has been a Motion for Leave-

THE COURT (Interrupting) I can; anybody can request a psychiatric examination. I am going to do that.

MR. SPEARS: I will be asking for one for you Judge; have that on the record.

MR. SCHARF: Judge, I would ask he be found in contempt for that.

THE COURT: I am going to hold you in contempt, $500 fine.

MR. SPEARS: Praise God, praise the Lord Almighty God. May you-

MR. SCHARF: (Interrupting) I ask for jail.

MR. SPEARS: May you reap what you sow, Judge, by the good book.

THE COURT: You have 24 hours to pay the fine, or you are going to jail.

MR. SPEARS: Thank you, Judge.

MR. SCHARF: Thank you.

MR. SPEARS: See you there, Judge.

5. On April 9, 1991, after having been informed on April 8, 1991, that Respondent had not paid the fine as directed, Judge Moore entered an order in case number 90-CM-230 finding Respondent to be in direct criminal contempt of the court, and ordering the Sheriff of boone county to arrest Respondent and hold him until such time as Respondent had paid the sum of $500.00 to the Circuit Clerk of Boone County.

6. On April 8, 1991, Respondent caused to be filed documents entitled Motion for reconsideration, Motion to Stay Enforcement of Oral Order of Contempt by Judge Moore Against Attorney Terrence Spears, Motion for Hearing, and By the Habeas corpus law in case number 90-CM-230.

7. The Motion for Reconsideration described in paragraph six above, stated in relevant part, the follow ing:

That a statement to the effect that the Court should have a psychiatric examination ordered for itself was only made in reference to the following:

a. A judge, acting in a case with no jurisdiction over the defendant.

b. A judge, after walking off the bench and dismis sing court stating to the defendant client of attorney Spears that he was going to order a psychiatric examination of defendant without jurisdiction or probable cause.

c. A judge, threatening orders and making statements outside of jurisdiction after close of Court which are actionable claims against the judge in a Court of law for abuse of process and malicious prosecution.

d. A judge, threatening the defendant with institutional incarceration without probable cause or findings of fact because the judge fears exposure of the skimming of fines from local state county court system and cover-up of the death of a certain Rockford individual, Lee Desmuke by certain Winnebago County judges and Rockford police officers.

e. A judge, acting in the capacity of what appears to be the evil and wicked pattern or practice of incarcerating local individuals who are deemed "trouble-makers" in privately-owned insane asylums by the use of Court-appointed and paid (sic)* such as Jack Fowler of Boone County and Ronald P. Bombliss of Lee County.

* psychiatrists

f. A judge, appointed by the Illinois Supreme Court as an "axeman" without authority, without jurisdiction and without just cause in the above captioned cause.

g. A judge who, in his own words, believes "Anyone can order anybody to have a psychiatric examination."

8. On April 9, 1991, after having been informed that Respondent filed the documents described in paragraph five above; and after having been furnished copies of the documents, Judge Moore entered an order in case number 90-CM-230 finding Respondent to be in direct criminal contempt of court for filing the Motion for Reconsideration, and ordering the Sheriff of Boone County to arrest Respondent and hold him for a period of six months or until further order of the court.

9. On April 22, 1991, Respondent caused to be filed documents entitled Motion for Substitution as of Right and Motion for Substitution for Cause in case number 90-CM-230.

10. On July 8, 1991, respondent appeared before Judge Harris H. Agnew in connection with the documents described in paragraph nine above in case number 90-CM-230.

11. On July 8, 1991, during the course of proceedings in case number 90-CM-230, Kaeding indicated to Judge Agnew that Respondent was fired as his attorney, and Judge Agnew indicated to Respondent and Kaeding that the judge was going to require that Respondent continue to participate in the hearing of the pleadings described in paragraph nine above.

12. On July 8, 1991, during the couse of proceedings in case number 90-CM-230, the following exchange took place between Judge Agnew, Respondent and Kaeding:

THE COURT: You may present your motion for substitution for cause. What do you wish to present Mr. Spears?

MR. KAEDING: I object.

THE COURT: The record so may reflect. Mr. Spears, what do you wish to present?

MR. SPEARS: I plead the Fifth Amendment, Your Honor.

THE COURT: All right. The Fifth Amendment. On motion for substitution for cause for your client you're pleading the Fifth Amendment?

MR. SPEARS: Your Honor, I'm not speaking for my client anymore. I was fired. Under the ethics rules I can no longer speak for him. As Christ did before the authorities in Rome, he stood silent, and that's what I'm doing at this time.

The following exchange also took place:

MR. KAEDING: I seem to have forgotten my copy of that. can I take a look at that, please?

THE COURT: Mr. Spears, you don't have a copy of the petition?

MR. SPEARS: (Shakes head negatively.)

THE COURT: You come to court without a copy of the petition or motion which you're going to be presenting?

MR. SPEARS: I didn't expect the Court to usurp the jurisdiction of the appellate court.

THE COURT: The record may reflect that you came without even the motion in your possession for substitution of cause or- or as a matter of right. Is that correct for the record?

MR. SPEARS: I expected the Court to follow Illinois appellate law.

THE COURT: Just answer the question. Mr. Spears, did you come to court without the motion for substitution for cause or as a matter of right?

MR. SPEARS: Your Honor, I plead the Fifth Amendment.

MR. KAEDING: I got-

THE COURT: (Interrupting) Do you have a motion to provide to your client, Mr. Spears?

MR. SPEARS: I plead the Fifth Amendment.

13. By reason of the conduct outlined above, Res-

pondent has engaged in the following misconduct:

a. asserting a position, conducting a defense, delaying a trial or taking other action on behalf of a client when the lawyer knows or reasonably should know that such action would serve merely to harass or maliciously injure another in violation of Rule 1.2(f)(1) of the Rules of Professional Conduct (1990);

b. using means in representing a client that have no substantial purpose other than to embarass, delay, or burden a third person in violation of Rule 4.4 of the Rules of Professional Conduct (1990);

c. making a statement the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge in violation of Rule 8.2(a) of the Rules of Professional Conduct (1990); and

d. conduct that is prejudicial to the administration of justice in violation of Rule 8.4(a)(5) of the Rules of Professional Conduct (1990).

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing pursuant to Supreme Court Rule 753 be conducted, and that the panel make findings of

fact, and conclusions of facts and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Mary Robinson, Administrator
Attorney Registration and
Discipline Commission

BY: _____
Albert S. Krawczyk

Albert S. Krawczyk
Counsel for Administrator
One Prudential Plaza
130 East Randolph Drive
Chicago, IL 60601
Telephone (312) 565-2600
sp.mem

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the matter of:	)
TERRENCE MICHAEL SPEARS,	) Commission
Attorney-Respondent	) No.94CH579
No. 6191453.	)

NOTICE OF COMPLAINT

TO: Terrence Michael Spears
Attorney-Respondent
425 W. Lincoln Ave.
Belvidere IL 61008

Albert S. Krawczyk
Counsel for the Administrator

You are hereby notified that a Complaint has been filed in the above captioned matter. Copies of the Complaint, Order Assigning Raymond G. Wigell, Chairperson of Hearing Panel 15 and Illinois Supreme Court Rule 751-778 and Rules of the Attorney Registration and Disciplinary Commission are enclosed.

Kenneth G. Jablonski
Clerk of the Commission

_____
By Andrea L. Watson,
Deputy Clerk

Date entered: August 22, 1994

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:	)
	)
TERRENCE MICHAEL SPEARS,	) Commission
	) No. 94 CH 579
Attorney-Respondent,	)
No. 6191453.	)

ORDER

Pursuant to amended Supreme Court Rule 753(c) (1) and (2), and the Administrative orders entered on March 4, 1994 appointing lawyers and nonlawyers as commissioner of the Supreme court to serve as members of the Hearing Board for a term expiring February 28, 1995, until further order of the Commission and Commission policy;

IT IS ORDERED that this matter is assigned to Raymond G. Wigell, Chairperson of Panel 15 of the Hearing Board.

Kenneth G. Jablonski,
Clerk of the Commission

_____

By Andrea L. Watson,
Deputy Clerk

Date entered: August 22, 1994

ATTORNEY REGISTRATION
and
DISCIPLINARY COMMISSION
of the
ILLINOIS SUPREME COURT

One Prudential Plaza
130 East Randolph Drive
Chicago 60601-6219
(800) 826-8625

Terrence M. Spears
Attorney-Respondent
10319 E. County Road X
Clinton, WI 53525

Chicago
December 29, 1995
S.Ct. No. M.R. 11663
Comm. No. 94 CH 579

Re: Terrence Michael Spears

Dear Mr. Spears:

Enclosed is a statement of Costs in the above matter.

Supreme Court Rule 773 requires that an attorney-respondent reimburse the Commission for costs incurred in the investigation, hearing and review of matters which result in the imposition of discipline. Rule 773 provides that the attorney-respondent pay the costs within thirty days of service of the statement.

Please make arrangements to forward a check made payable to the Attorney Registration and Discipline Commission in the enclosed envelope for the total amount of costs.

All checks should be made payable to P.O. Box

6324, Springfield, Illinois 62708-6324. If full payment is not received within the required time, we will proceed to obtain a judgment against you, which will further increase your indebtedness and necessitate the payment of statutory interest at the rate of 9% per annum.

Enclosed please also find a copy of Rule 764. If you have any questions, please contact me. Thank you for your cooperation.

Very truly yours,
Christine P. Anderson

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the matter of:	)
TERRENCE MICHAEL SPEARS,	) Commission
Attorney-Respondent	) No.94CH579
No. 6191453.	)

STATEMENT OF COSTS

Mary Robinson, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Christine P. Anderson, pursuant to Supreme court Rule 773(c), files this statement of costs. The Administrator incurred $3,143.37 in costs in the investigation and prosecution of this matter. An itemized statement is attached.

Respectfully submitted,

Mary Robinson, Administrator
Attorney Registration and
Disciplinary Commission

_____
By Christine P. Anderson
Deputy Clerk

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the matter of:	)
TERRENCE MICHAEL SPEARS,	) Commission
Attorney-Respondent	) No.94CH579
No. 6191453.	)

MOTION TO APPROVE AND CONFIRM THE REPORT OF THE HEARING BOARD

Mary Robinson, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Christine P.Anderson, requests that the Court enter an order approving and confirming the Report and Recommendation of the Hearing Board filed in this cause. In support, the Administrator states:

I. PROCEDURAL BACKGROUND

On August 19, 1994, the Administrator filed a five-count complaint alleging that Respondent had engaged in misconduct by making numerous derogatory oral and written statements regarding various members of the judiciary, knowing those statements were false or with reckless disregard as to their truth or falsity, in order to

delay pending court proceedings. The hearing in this matter was held on May 1, 1995.

On July 14, 1995, the Hearing Board issued its Report and Recommendation. The Board found that Respondent had engaged in all the misconduct alleged in the Aministrator's complaint and recommended that Respondent be disbarred. A true and correct copy of the Hearing Board's Report and Recommendation is attached as Exhibit One.

Neither Respondent nor the Administrator filed exceptions to the Report and Recommendation of the Hearing Board within the 21-day period set by Supreme Court Rule 753(d)(2). On August 14, 1995, the Clerk of the Commission submitted the Report and Recommendation of the Hearing Board to the Court as an agreed matter pursuant to Supreme Court Rule 753(d)(2).

II. THE PROVEN MISCONDUCT

Respondent's accusations against the judiciary and various officers of the court were made in connection with Respondent's representation of four clients in contested criminal and civil matters. In those matters, Respondent in response to adverse judicial rulings, sought to disparage members of the judiciary with false and fraudulent accusations.

The Hearing Board found the evidence to be uncontroverted that Respondent repeatedly and without

any basis insulted, attacked and defamed members of the judiciary and disparaged the courts of both this State and the Federal government. The Board further found that Respondent obstructed legitimate judicial processes through a series of false statements and scurrilous attacks upon the integrity of the judicial system and various judges and lawyers. (Hg.Bd.Rpt. at 17).

A. Respondent's scurrilous charges against the judiciary and various officers of the Court in representing James C. Dunkel

For alleged "baseless" accusations see App. pp.1-6.

B. Respondent's scurrilous charges against the judiciary and various officers of the Court in representing Robert A. Pfluger

For alleged "baseless" accusations, see App. pp.6,7.

C. Respondent's scurrilous charges against the judiciary and various officers of the Court in representing Joseph Andreuccetti

For alleged "baseless" accusations, see App. pp.8-12.

D. Respondent's scurrilous charges against the judiciary in representing Gary Kaeding

For alleged "baseless" accusations, see App. 12-18.

The Hearing Board found that Respondent had engaged in the following misconduct: ...

See App. at p.19.

III. DISCUSSION

The discipline recommended by the Hearing Board is supported by precedent. The Hearing Board found that Respondent had engaged in egregious misconduct involving the filing in numerous courts of a multitude of frivolous and defamatory pleadings, containing false and derogatory statements regarding various members of the judiciary, for the purpose of delaying proceedings pending before those courts. (Hg.Bd.Rpt. at 20).

In aggravation, the Board found that Respondent failed to cooperate in the disciplinary proceeding and that Respondent engaged in additional misconduct by making groundless accusations and threatening statements in a counter-complaint filed in the disciplinary proceeding and that Respondent engaged in additional misconduct by making groundless accusations and threatening statements in a counter-complaint filed in the disciplinary proceeding. In the counter-complaint, respondent named the Administrator, Counsel for the Admini-

strator, the Hearing Board Chair and certain members of the judiciary as "Counter-Respondents." Respondent alleged that the Counter-Respondents." Respondent alleged that the Counter-Respondents were participants in an elaborate scheme to cover up a murder and that many state and federal judges, including members of this Court, were involved in a money-laundering scheme, sexuial abuse of children, theft, bribery, embezzlement, treason and murder. (Hg.Bd.Rpt. at 18-19).

Respondent's conduct, engaged in for no other purpose than to delay, hinder and obstruct the legitimate judicial process, clearly demonstrates that his continued practice of law threatens irreparable injury to the public, his clients and the orderly administration of justice. The recommendation of the Hearing Board is clearly supported by prior authority of the Court in which the Court has consistently recognized the seriousness of such misconduct and the substantial harm which results therefrom.

This Court has held that the filing of false and frivolous pleadings and lawsuits is conduct warranting disbarment particularly where, as here, the attorney manifests an abusive and offensive attitude against the judiciary. *In re Jafree*, 93 Ill.2d 405, 444 N.E.2d 143 (1982). In Jafree, the Court considered a pattern of conduct which included the filing of numerous meritless suits or appeals, containing scurrilous and defamatory statements about the judiciary.

The court noted that Jafree was obsessed with alleging misconduct by others, and that he offerred little of relevance in his own defense. The Court also noted the attorney's refusal to recognize the authority of the Administrator by making unforunded allegations of improper conduct by disciplinary authorities and also noted Jafree's extreme contempt for the legal system and for members of the judiciary. In disbarring Jafree, the Court concluded that the attorney's unprofessional conduct was an abuse of the privilege to practice law and tended to bring the judicial system and legal profession into disrepute. Respondent's misconduct in this matter has many similarities to the pattern of misconduct involved in *Jafree* because of Respondent's apparent contempt for the judicial system and those who administer that system.

Even one instance of filing a frivolous and threatening pleading aganist a judge has resulted in the attorney's disbarment. *See People ex.rel. Chicago Bar Association v. Metzen*, 291 Ill.55, 125 N. E. 734 (1919). In disbarring Metzen, the Court found that "unjust criticism, insulting language and offensive conduct towards judges, personally, by attorneys, who are officers of the court, which tend to bring the courts and the law into disrepute and to destroy the public confidence in their integrity, cannot be permitted." 291 Ill. at 58.

Disbarment has been imposed in several recent

cases in which attorneys have engaged in the ongoing practice of filing false and harassing pleadings in various courts. In *In re Vassilos*, Supreme Court No. M.R. 9444 (1993), the Court disbarred an attorney for similar conduct as that engaged in by Respondent in this case. Like Respondent, Vassilos falsely contended that various members of the judiciary were members of a cult ring established for the satanic sacrifice of babies, and he engaged in a series of false, baseless and scurrilous attacks on the integrity of the judicial system and various judges and lawyers. Vassilos also failed to cooperate in the disciplinary proceeding and filed a lawsuit against the Hearing Board, the Administrator and Counsel for the Administrator in the circuit court.

In *In re Palmisano*, Supreme Court No. M.R. 10116 (1994), an attorney was disbarred for making numerous false and abusive accusations of corruption against judges and judicial officers in letters and pleadings. The Hearing Board in that case found that such false accusations bring the courts into disrepute and are harmful to any clients represented by the attorney who engages in such conduct.

This is not a case where an attorney has made a singular isolated statement about a judge or the judiciary. Rather, in this case, through court pleadings and other correspondence, Respondent has made continual, abusive, unwarranted, false, scur-

rilous and scandalous statements about every level of the judiciary. Like *Vassilos*, *Palmisano* and *Jafree*, Respondent's misconduct has continued for a substantial period of time and has evidenced a pattern of responding to adverse judicial rulings with false accusations and threats. Also, as in *Jafree*, *Vassilos* and *Palmisano*, Respondent constinuously repeats irrelevant and unfounded charges against everyone whom he feels has wronged him and imagines that a number of judges are engaged in an ongoing conspiracy to deprive him of his rights.

IV. CONCLUSION

Respondent is capable of conforming his conduct to an acceptable standard. Respondent has abused the privilege to practice law and has clearly brought the administration of justice and the legal profession into disrepute. The Hearing Board's recommendation is supported by the evidence and by precedent and should be approved and confirmed.

WHEREFORE, the Administrator requests that this Court enter an order approving and confirming the report of the Hearing Board, and order that Respondent be disbarred.

Respectfully submitted,
Mary Robinson, Administrator
Attorney Registration and
Disciplinary Commission

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the matter of:	)
TERRENCE MICHAEL SPEARS,	) Commission
Attorney-Respondent	) No.94CH579
No. 6191453.	)

REPORT AND RECOMMENDATION OF THE HEARING BOARD

INTRODUCTION

The hearing in this matter was held on May 1, 1995, at the offices of the Attorney Registration and Disciplinary Commission, 130 East Randolph Drive, Suite 1100, Chicago, before a panel of the Hearing Board consisting of Raymond G. Wigell, Chair, Mark L. Karasik, lawyer member and Robert A. Adams, public member. Chritsine P. Anderson appeared on behalf of the Administrator. Respondent was not represented by counsel and did not attend the hearing.

THE COMPLAINT

See Appendix, pages 1-22.

PRE-HEARING RECORD

Respondent was personally served with the complaint in the State of Wisconsin on September 1, 1994 by an investigator from the Attorney Registration and Disciplinary Commission ("ARDC"). On September 21, 1994, Respondent filed a Special and Limited Appearance based on lack of proper service and the Chair, in an order dated October 5, 1994, quashed service of the Complaint. On October 14, 1994, the Administrator obtained proper service of the Complaint by having Respondent personally served in Wisconsin by the Sheriff of Rock County, Wisconsin, pursuant to Commission Rules 214(b) and 215.

Both the Respondent and counsel for the Administrator participated in the telephonic prehearing conference held on November 15, 1995. At that time, Respondent's discovery deposition was scheduled, by mutual agreement of the parties, for December 12, 1994. Also at that time, Respondent notified the Chair that all future correspondence in this matter should be mailed to him at P.O. Box 251, Belvidere, Illinois 61008.

On November 21, 1994, Respondent filed a Motion to Strike and Dismiss the Complaint based upon the following four reasons: 1) the Complaint does not represent a "true complaint" because it lacks a complaining witness; 2) the

Clerk of the Commission deprived Respondent of due process by improperly granting the relief prayed for in the Complaint when he assigned the matter to a Hearing Board Panel; 3) the Administrator is foreclosed form bringing charges contained in Count V of the Complaint based upon the doctrine of laches; and 4) the Administrator has a conflict of interest in bringing charges of misconduct against Respondent. The Administrator filed a Response to that Motion on December 16, 1994, and thereafter Respondent filed a Reply to the Administrator's Response. The Chair heard heard arguments from the parties at a telephonic pre-hearing conference held on January 5, 1995, and subsequently denied the Respondent's Motion.

Also at the January 5, 1995 pre-hearing conference, Respondent requested that all future correspondence regarding this matter be mailed to him at 10319 East County X Highway, Clinton, Wisconsin 53525. Accordingly, copies of all subsequent pleadings, notices and orders in this matter were mailed to Respondent at this address.

Respondent was not available and did not participate in the telephonic pre-hearing conference held on January 20, 1995. At that pre-hearing conference, the Chair was advised that Respondent had not yet filed an Answer to the

Complaint and that he failed to appear for his deposition on December 12, 1994. Consequently, the Chair ordered Respondent to Answer or otherwise plad to the Complaint on or before February 10, 1995, and to submit to a deposition on or before February 28, 1995. On February 14, 1995, the Administrator filed a Notice to Appear and Produce at Deposition scheduling Respondent's deposition for February 28, 1995, at 9:30 a.m..

On February 15, 1995, Respondent filed an Answer to the Complaint and a Counter-Complaint. Respondent designated the following persons as defendants in his Counter-Complaint: the Administrator, Counsel for the Administrator, the Chair of the Hearing Panel, Judge William J. Bauer, Judge William T. Hart, Judge Bonnie Wheaton, and Judge Harris H. Agnew. Respondent's Counter-Complaint alleged that the named defendants engaged in professional misconduct and sought to have them disciplined. On February 17, 1995, the Administrator filed a Motion to Strike Respondent's Verified Counter-Complaint, and the Respondent filed a Reply to that Motion on February 24, 1995. The Chair granted the Administrator's Motion and struck Respondent's Counter-Complaint,

citing Supreme Court Rules 751 and 753, which provide that only the Administrator of the ARDC may bring formal charges of professional misconduct against attorneys.

Respondent also filed a Subpeona and Request to Produce on February 24, 1995, seeking to depose the Administrator, Mary Robinson, regarding her involvement in the case of Judith Wolff and her interactions with the presiding judge in that case, Bonnie Wheaton. The Administrator filed a Motion to Quash Subpeona for Deposition and Request for Production of documents on February 28, 1995. The Chair granted the Administrator's Motion on March 14, 1995, because Respondent had failed to show the relevance of the information he sought to elicit from the Administrator, Mary Robinson, to the current matter.

On February 24, 1995, Respondent filed a Motion for Extension of Time in which to be deposed by the Administrator. The Administrator filed her Reply to this Motion on February 28, 1995, along with a Motion for Sanctions Pursuant to Supreme Court Rule 219 against the Respondent. The Administrator's Reply stated that at no time did Respondent communicate with counsel for the Administrator regarding his inability to appear for a deposition on February 28, 1995. The Chair held a pre-hearing

conference on March 20, 1995 to address Respondent's Motion for Extension of Time and the Administrator's Reply to that Motion. Respondent failed to appear or participate for this pre-hearing conference and the Chair directed Counsel for the Administrator to attempt to contact the Respondent by telephone in order to reschedule his deposition at a mutually convenient time, at least once a day between March 20 and March 25, 1995, using any and all phone numbers available for the Respondent.

At the pre-hearing conference held on April 4, 1995, Counsel for the Administrator informed the Chair that she was able to contact the Respondent by telephone and reschedule his deposition to another date. The Chair was further advised by counsel for the Administrator that she received a telephone call from respondent on April 4, 1995, at which time Respondent informed her that he would no longer continue to participate in these proceedings. Consequently, the Chair granted the Administrator's Motion for Sanctions Pursuant to Supreme Court Rule 219 against Respondent and barred Respondent from presenting witnesses or testifying at the hearing in this matter. Also at that time, the Chair ordered that the Administrator's Request for Admission of Facts and Genuineness of Documents, filed on March 3, 1995, be deemed admitted and

consequently, Administrator's Exhibits one through sixty-eight, and seventy through seventy-seven were admitted. On April 15, 1995, the Administrator filed a Motion to Strike Answer and Deem the Allegations of the Complaint Admitted, which was also granted by the Chair on April 28, 1995.

EVIDENCE

The Administrator's evidence consisted of the allegations of the Complaint, which were deemed admitted, Exhibits one through eighty-three, inclusive, and the testimony of John L. Moore, Andrew J. Kohn and the evidence deposition testimony of Judge Harris H. Agnew (marked as Administrator's Exhibit eighty-two).

See Appendix pages 1-20.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After thoroughly reviewing all of the documentary and testimonial evidence, the Panel finds that the Administrator has proven by clear and convincing evidence that Respondent engaged in the misconduct charged in the Complaint.

Despite having both Notice of these proceedings and ample opportunity to participate and defend against the charges brought by the Administrator, the Respondent did not present any evidence to rebut the charges of the Complaint. Respondent failed to appear for several scheduled depositions and was uncooperative in rescheduling those depositions. Based upon Respondent's lack of participation in these proceedings, the allegations of the Administrator's Complaint were deemed admitted and the hearing in this matter was limited to matters in aggravation and mitigation and the sanction to be imposed for Respon dent's misconduct.

The uncontroverted evidence and admissions lead us to conclude that Respondent repeatedly and without any basis insulted, attacked, and defamed members of the judiciary and disparaged the courts of both this State and the federal government. Respondent obstructed legitimate judicial processes through a series of false statements and scurrilous attacks upon the integrity of the judicial system and various judges and lawyers. Consequently, we find as follows:

Counts I-V

The Administrator proved by clear and convincing evidence ... See Appendix a-d. at 19.

RECOMMENDATION

Having found the charges against Respondent have been proven by clear and convincing evidence, we are called upon to make a recommendation for discipline. In undertaking this responsibility, we are mindful that the purpose of the disciplinary system is to maintain the integrity of the legal system and safeguard the administration of justice. *In re March*, 71 I..2d 382, 395, 376 N.E.2d 213 (1978). We also realize that, while there is a need for uniformity of sanctions imposed for similar misconduct, the discipline imposed should be in accordance with the unique facts of each case. *In re Ushijima*, 119 I..2d 51, 54, 518 N.E.2d 71 (1987)

In addition to finding that Respondent engaged in the egregious misconduct charged by the Administrator, we also note that Respondent did not participate in the latter portion of these proceedings, he absented himself from the hearing, and he committed additional misconduct during the course of these proceedings by making groundless accusations regarding the Chair, Counsel for the Administrator, and the Administrator, and threatening statements directed at the Chair and Counsel for the Administrator.

Commission Rule 53 obligates the attorneys in this State to respond to requests for information from the ARDC during its investigation of alleged

misconduct committed by that attorney. Furthermore, the Supreme Court of Illinois has considered an attorney's lack of cooperation and participation during his/her disciplinary proceedings as an aggravating factor. *In re Levin*, 118 I..2d 77, 89, 514 N.E. 2d 174 (1987). Respondent initially participated in these proceedings, but then repeatedly failed to appear for his scheduled deposition and did not participate in the later pre-hearing conferences held in this matter. He also did not attend the hearing in this matter. Respondent's attitude towards these proceedings was that of an obstructionist, which demonstrates both his lack of acknowledgement of the misconduct he committed and his lack of fitness to practice law in this State.

We also find that respondent engaged in additional misconduct and, although such misconduct was not made the basis for further disciplinary charges during these proceedings, we may consider it in aggravation of the sanction to be imposed. *See e.g., In re Elias*, 114 Ill.2d 321, 499 N.E.2d 1327 (1986); *In re Chapman*, 95 Ill.2d 484, 448 N.E.2d 852 (1983). Respondent named the following persons as defendants in his counter-complaint: the Administrator, Counsel for the Administrator, and the Chair, along with certain members of the judiciary. In the counter-complaint, the Respondent alleged that the counter-defendants were participating in an elaborate scheme designed to cover-

up a murder. He further alleged that many state and federal judges, including members of the Supreme Court of Illinois, were involved in a money-laundering scheme, sexual abuse of children, theft, bribery, embezzlement, treason and murder. Respondent also made threatening statements directed toward the counter-defendants and their families. Respondent's unfounded accusations in the counter-complaint poignantly exemplify his utter disregard for the reputation of others and for the image of the legal profession. These statements also reveal either Respondent's unwillingness or inability to alter his conduct to conform to the guidelines governing the conduct of attorneys.

The Administrator urges us to disbar Respondent and cites several case decisions in support of her position. Our rview of these case decisions shows Respondent's case to be most similar to that of *People ex rel. Chicago Bar Ass'n v. Metzen*, 291 Ill. 55, 125 N.E.2d 734 (1920). Like Respondent, Metzen made false and derogatory statements and threats regarding a member of the judiciary. The Supreme Court of Illinois disbarred Metzen based on their conclusion that "[u]njust criticism, insulting laguage, and offensive conduct towards the judges personally by attorneys, who are officers of the court, which tends to bring the courts and the law into disrepute and to destroy public confidence in their integrity cannot be permitted."

Having considered the nature of Respondent's misconduct, the aggravating circumstances, and the relevant case decisions, the Panel recommends that Respondent be disbarred.

DATE: 14 July 1995

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Raymond G. Wigell, Chair,
on behalf of the Hearing
Board Panel.

State of Illinois
Supreme Court

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the thirteenth day of Nov., 1995.

Present: Michael A. Bilandic, Chief Justice
Justice Benjamin K. Miller Justice James D. Heiple
Justice Charles E. Freeman Justice Moses W. Harrison II
Justice Mary Ann G. McMorrow Justice John L. Nickels

On the 1st day of December, 1995, the Supreme Court entered the following judgment:

In re:	)	
M.R. 11663	)	
	)	Atty. Reg. &
Terrence Michael Spears	)	Disc. Comm.
P.O. Box 251	)	94 CH 579
Belvidere, IL 61008	)	

It is ORDERED that the motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Terrence Michael Spears is disbarred.

As the Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, I certify that the foregoing is a true copy of the final order entered in this case.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 1st day of December, 1995.

Juleann Hornyak Clerk, Supreme Court

Lawyer claims 3 U.S. appeals judges lied, asks Congress to weigh impeachment

By CAROL McHUGH SANDERS **1/24/96**

Law Bulletin staff writer

A Wisconsin attorney has asked the chairman of the U.S. House Judiciary Committee to launch a probe into whether three judges on the 7th Circuit Court of Appeals should be impeached.

In calling for the impeachment probe, Madison attorney Amedeo Greco harshly criticized an appellate decision issued by Judges Joel Flaum, Frank H. Easterbrook, and Michael S.Kanne. Their ruling two years ago handed him a partial defeat in a civil rights lawsuit.

Greco's 10-page letter to U.S. Rep. Henry J. Hyde, R-Ill., urges Hyde to begin a study of whether the three conspired in their December 1993 decision "to deprive plaintiffs of their civil rights through the simple device of deliberately misrepresenting plaintiff's civil rights claims so that they could protect Wisconsin's legal establishment.

Greco's letter also went to Wisconsin Rep. Scott Klug, who represents the Madison district in which Greco resides. The three judges were also sent copies of the letter. ... "Through the simple, but brilliant, device of misrepresenting plaintiffs' civil rights claims and not identifying others, the trio therefore was able to mold the theory of plaintiffs' case in such a way that it had to be dismissed," Greco wrote. ..."To be sure, the face of their decision does not reveal any of this since it is brilliantly written in such a way so that every word, every dotted i, every crossed t, every comma, and every period are all used for one purpose and one purpose only: to distort the truth at every turn so that this case can be dismissed without revealing plaintiff's true claims," Greco wrote.

AFFIDAVIT

Judith L. Wolff, being duly sworn, deposes and states that she has knowledge of the following, and that such statements are true and correct to the best of her recollection;

That Judith L. Wolff is an adult over the age of 18 years and is competent to testify:

1. That on or about February 4, 1988, I did retain Mary Robinson, an attorney, of Elgin, Illinois to represent me in a case before the 2nd District Appellate Court at Elgin, Illinois wherein I was the Intervenor in 85 D 1717, Santa Cruz v. Santa Cruz;

2. That the appeal to the 2nd District Appellate Court was brought to seek justice for my standing as Intervenor in said case; and to reverse the violation of Illinois and U.S. Constitutional rights, and the rights to due process committed by the lower courts of the 18th District, DuPage County; a ruling by Judge Francis Faris;

3. Justice George Unverzagt wrote the Appellate opinion in Santa Cruz denying the Intervenor's rights and upheld the lower court violations of Judge Francis Faris;

4. On or about August 4, 1988, I did have a telephone conversation with Mary Robinson concerning the ruling and opinion written by Unverzagt; and Mary Robinson did say to me concerning Unverzagt: "I

choose not to go back to the Appellate for reconsideration because I would have to embarass Justice Unverzagt as he was so wrong on points of law. I would rather go on to the Illinois Supreme Court and take our chances there."

5. Notice of Appeal to the Illinois Supreme Court was filed on or about August 6, 1988.

6. On or about December 9, 1988, the Illinois Supreme Court denied leave to appeal and ordered that the Mandate from the 2nd District Appellate Court would issue on December 30, 1988;

7. Upon receiving the denial from the Illinois Supreme Court, Mary Robinson did call me and set up a meeting, on or about December 16, 1988, at the office of attorney Robert McNees, my circuit court attorney, Mary Robinson did make the statement that there was nothing more to be done, and that the Illinois Supreme Court Clerks had been instructed to return all motions for reconsideration, so there was no use in even trying. At this meeting, Mary Robinson did say to me and others present in the room that Supreme Court Justice, Tom Moran, "must be protecting his girl friend, Bonnie Wheaton";

8. Upon information and belief, Mary Robinson was implying, by the tone of her voice, that Wheaton and Moran had an intimate and personal relationship that could be called upon as a deciding factor in higher court decisions;

9. Bonnie Wheaton, before her appointment to the

bench as an Associate Circuit Judge, had been the attorney representing Robin Rea Croson, in the matter of custody of Christianne Rea in 85 D 1717;

10. On or about March 17, 1988, when Bonnie Wheaton was appointed to an Associate Judgeship in the 18th Circuit, Mary Robinson, in a telephone conversation did make this statement to me, " that she, (Wheaton) had politically courted that position for a long time";

11. On or about December 30, 1988 a hearing was held in the 18th circuit before Judge Maryellen Provenzale for the issuance of the mandate from the 2nd district Appellate in Santa Cruz;

12. Robin Croson was now represented by Carole Grahn, both outside and inside the courtroom;

13. Judge Bonnie Wheaton did appear at said hearing and was observed talking with her former client, Robin Croson and giving instructions to Attorney Carole Grahn, both outside and inside the courtroom;

14. The ARDC has the complaint of this action as filed by Norman and Judith Wolff;

15. Robert McNees, Carole Grahn and Judge Maryellen Provenzale, all failed to report this violation by Wheaton to the ARDC and the Judicial Inquiry Board, as required by law;

16. On December 16, 1988, Judith Wolff filed a complaint in the U.S. District Court for relief on the violation of Civil Rights, violation of Illinois and United

States Constitutional rights and statutes, and denial of due process. The case was accepted and is still viable in the Federal District Court as of this date;

17. On or about December 29, 1988, Judith Wolff received a letter from Mary Robinson, stating in part that "there was no need to proceed any further, or to any higher court, as my (Judith Wolff) constitutional rights had not been violated";

18. Upon information and belief, it may be that Mary Robinson had more of an interest in losing the appeal for her own career gain; and,

19. Upon information and belief, Mary Robinson has been rewarded for her compliance in not vigorously pursuing her well known expertise as an appellate attorney on behalf of her client Judith Wolff and sacrificed an innocent child, Christianne, in order to follow party line instructions and thereby assured her place among those who can be bought, sold and blackmailed whenever necessary.

Further Affiant Sayeth Naught..

_____

Judith L. Wolff

Subscribed and Sworn
to before Me this 18th
day of March 1992.

_____

Susan M. Spears
Notary Public State of Illinois